

ARTICLE 16: ANTIFREEZE SAFETY

9-16-1 SHORT TITLE.

This article may be known and shall be cited as the "Antifreeze Safety Ordinance."
(Ord. 3-2004)

9-16-2 FINDINGS AND INTENT.

(A) Antifreeze contains ethylene glycol, an extremely toxic yet sweet-tasting substance that injures many children and kills thousands of animals every year in the United States.

(B) The National Safety Council, the American Medical Association and the American Association of Poison Control Centers have noted that the addition of nontoxic bittering agents to toxic household products can make these products so unpalatable that many children reject the products upon, or shortly after, tasting them.

(C) Organizations that support the health and safety of animals favor the passage of legislation that requires a bittering agent to be added to antifreeze.

(D) The cost to add the most common bittering agent, denatonium benzoate, to antifreeze is approximately 2 cents per gallon, and by law the antifreeze manufacturers already blend antifreeze with this bittering agent for sale in Oregon and California.
(Ord. 3-2004)

9-16-3 BITTERING AGENT REQUIRED IN ANTIFREEZE.

(A) Any engine coolant or antifreeze sold in the city after March 1, 2004, and that contains more than 10% ethylene glycol, shall include denatonium benzoate at a minimum of 30 parts per million as a bittering agent within the product so as to render it unpalatable. Another aversive agent may be used if it meets or exceeds the degree of aversion in test subjects obtained by utilizing the formulation of 30 parts per million of denatonium benzoate in antifreeze. Any manufacturer or packager of a product subject to this section shall maintain a record of the trade name, scientific name, and active ingredients of any bittering agent used pursuant to this chapter. Information and documentation maintained pursuant to this section shall be furnished to any member of the public upon request.

(B) This section shall not be construed to apply to any of the following:

(1) The sale of a motor vehicle that contains engine coolant or antifreeze.

(2) Wholesale containers of antifreeze containing 55 gallons or more of the antifreeze.

(3) Antifreeze that was, prior to the effective date of this Antifreeze Safety Ordinance, in the possession of a retail merchant, possession of an automotive repair or similar business, or possession of a governmental unit within the city. The exemption provided by this subsection shall expire on January 1, 2005.

(C) The exemption created in subsection (B)(2) for containers of 55 gallons or more shall expire on June 1, 2004 unless any interested party can establish that eliminating the exemption is unfeasible or would unreasonably burden interstate commerce. The Environmental Health Department of the city may, by administrative rule or regulation, continue the exemption for containers of 55 gallons or more only to the extent necessary to avoid placing unreasonable burdens on commercial users of antifreeze.

(Ord. 3-2004) Penalty, see § 9-16-99

9-16-99 PENALTY.

Each sale of antifreeze in violation of this Antifreeze Safety Ordinance is a separate violation of § 1-1-99 ROA 1994.
(Ord. 3-2004)

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